

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RANDY F. CONELL,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

**8:20CV332**

**ORDER**

This matter is before the Court on the magistrate judge's<sup>1</sup> recommendation (Filing No. 63) that plaintiff Randy F. Conell's ("Conell") claims under the Federal Tort Claims Act, 28 U.S.C. § 2671-2680, "be dismissed for want of prosecution." *See* 28 U.S.C. § 636(b). The magistrate judge notes that Conell, who has had his counsel withdraw twice in this case (Filing Nos. 34, 35, 54, and 55), has repeatedly failed to comply with her orders and did not attend a scheduled hearing in her chambers "to discuss whether [he] intends to continue litigating this case."

The magistrate judge warned Conell that failing to comply with her orders and failing to object to her recommendation could lead to dismissal without further notice. To date, Conell has not filed any objection or other response to the magistrate judge's recommendation. Accordingly, this case is dismissed without prejudice for failure to prosecute and failure to comply with multiple court orders. *See* Fed. R. Civ. P. 41(b); *DiMercurio v. Malcom*, 716 F.3d 1138, 1140 (8th Cir. 2013) (setting a high bar for prejudicial dismissal under Rule 41(b)).

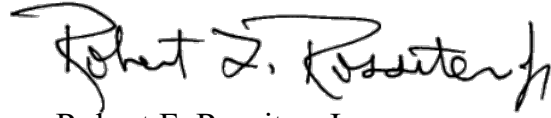
IT IS SO ORDERED.

---

<sup>1</sup>The Honorable Cheryl R. Zwart, United States Magistrate Judge for the District of Nebraska.

Dated this 23rd day of December 2022.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
Chief United States District Judge